UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1992/19
13 July 1992

ENGLISH
Original: ENGLISH/FRENCH
SPANISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection of
Minorities
Forty-fourth session
Item 10 (a) of the provisional agenda

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

QUESTION OF HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Protection of the human rights of United Nations staff members, experts and their families

Final report prepared by the Special Rapporteur, Mrs. M.C. Bautista

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GE.92-12742/4695B

Introduction

1. In Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1988/9 entitled "Protection of staff members of the United Nations system", expressed its deep concern that violations of the human rights of staff members of the United Nations system and threats to their security and independence had increased over the previous year and noted that such a situation could have only negative effects on the implementation of the mandates of the organs and agencies of the United Nations system.

2. In that resolution, the Sub-Commission decided to entrust one of its members, without financial implications, with the task of undertaking an examination of the violations of human rights of staff members of the United Nations system, their families and experts as well as of the repercussions of those violations on the functioning of United Nations organs and agencies. The Sub-Commission also requested the Secretary-General, the heads of the specialized agencies, including the International Atomic Energy Agency and the General Agreement on Tariffs and Trade, and the various staff representative organs of the United Nations system to assist the designated member who was invited to submit a preliminary report to the Sub-Commission at its forty-first session.

3. On 1 September 1988, the Chairman of the Sub-Commission announced the designation of Mrs. Mary Concepción Bautista to carry out the task mandated in resolution 1988/9.

4. The Special Rapporteur presented her preliminary report to the Sub-Commission at its forty-first session (E/CN.4/Sub.2/1989/28). The Sub-Commission subsequently adopted resolution 1989/30 in which it invited Mrs. Bautista to continue her study and to present an updated report to the Sub-Commission at its forty-second session taking into account also those cases which had been successfully settled during the year. The Sub-Commission also requested her to report on the implementation of the measures referred to in paragraphs 3 and 4 of the resolution, i.e. the request to Member States to allow medical teams to investigate the health of detained staff members, experts and their families and the urging of Member States, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, to provide information concerning the arrest or detention of United Nations staff members and their families, and to grant the representative of the competent international organizations access to them.

5. In the same resolution, the Sub-Commission requested Member States, the Secretary-General and the heads of secretariat of the specialized agencies who had not yet done so to communicate relevant information in order to enable the Special Rapporteur to continue her mandate.

6. The Commission on Human Rights, at its forty-sixth session, adopted resolution 1990/31 in which it took note with appreciation of the preliminary report of the Special Rapporteur.

7. The Special Rapporteur presented her updated report (E/CN.4/Sub.2/1990/30) to the Sub-Commission at its forty-second session. In its introductory part (paras. 1-48), the report contained an analytical survey of the problems in its various dimensions, including the legal rights of the United Nations in cases of arrests or detention of staff members.

8. Pursuant to Sub-Commission resolution 1990/20, the Special Rapporteur requested the Governments of Afghanistan, Chad, Ethiopia, Israel, Jordan, Nepal, Somalia and the Syrian Arab Republic to provide her with any information or comments they might have with regard to staff members who, to the Special Rapporteur's knowledge, were being held in detention in those countries. The Special Rapporteur also requested the United Nations Security Coordinator and the heads of specialized agencies and other intergovernmental organizations to provide her with information on the violations of human rights of staff members and their families, as well as on resolved and pending cases of violations of human rights of those persons, on steps which had been taken to assist them and possible suggestions on how to avoid the recurrence of such incidents. Information was also requested on the matters raised in paragraphs 3 and 4 of Sub-Commission resolution 1989/30.

9. In the same resolution the Special Rapporteur was requested to submit a final version of her report to the Sub-Commission at its forty-third session. However, in view of the fact that only a few additional replies had been received, the Special Rapporteur requested the Sub-Commission's authorization to defer her final report (see E/CN.4/Sub.2/1991/23).

10. In its resolution 1991/17, the Sub-Commission noted with regret the limited number of replies received from Governments and organizations of the United Nations system and requested the Secretary-General to redouble his efforts to ensure that the human rights and privileges and immunities of the personnel of the United Nations system and their families, as well as experts and consultants, were fully respected. The Sub-Commission invited the Special Rapporteur to submit a final report at its forty-fourth session, including practical recommendations for measures to improve, on a long-term basis, the protection of personnel of the United Nations system and their families, as well as experts and consultants.

11. In accordance with paragraph 6 of Sub-Commission resolution 1991/17, the Special Rapporteur once again addressed, on 16 December 1991, notes verbales and letters to Governments, to the Secretary-General and to the heads of specialized agencies requesting additional information. Replies were received from the Governments of Chile, China, Israel, Pakistan, Sudan and the Syrian Arab Republic. The United Nations Security Coordinator also replied. In addition, replies were received from the United Nations Development Programme, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the Economic Commission for Latin America and the Caribbean, the World Meterological Organization and the United Nations Industrial Development Organization.

12. The Special Rapporteur continues to maintain excellent contacts with the Association for the Security and Independence of International Civil Servants. She shares the Association's concerns and thanks the Association for its continued support and assistance with respect to her final report. The

Special Rapporteur attaches to the present report the Association's latest list of staff members whose basic rights have not been observed by the States of which they are nationals, or who have been abducted by unknown elements.

I. VIEWS EXPRESSED WITHIN THE UNITED NATIONS SECRETARIAT

13. The Security Coordinator addressed the Fifth Committee of the General Assembly on 28 October 1991. In his statement he admitted that the security situation had deteriorated in various parts of the world since the previous year. He added that that trend not only engendered a negative impact on the numerous programmes undertaken by the United Nations but also forced the Secretary-General to take more precautionary measures in order to assure the security and safety of the staff members concerned and their families.

14. Upon his taking office, the new Secretary-General, Mr. Boutros Boutros-Ghali, made a statement to members of the staff on 22 January 1992. It was very encouraging that Mr. Boutros-Ghali began his statement with: "I want you all to know that the safety and security of the staff is a matter of the greatest importance for me personally. I cannot stress this strongly enough. I am deeply concerned that over 100 staff members are now being kept under detention or are in prison. I intend to do my utmost to work for their release."

15. In his report of 17 June 1992 to the Security Council on "Preventive diplomacy, peacemaking and peacekeeping", the Secretary-General recommended that the Security Council "... gravely consider what action should be taken towards those who put United Nations personnel in danger".

II. ANALYSIS OF REPLIES RECEIVED

16. In a communication dated 19 August 1991, the Government of Chile sent the following reply concerning two outstanding cases:

(a) Fernando de la Cruz Olivares Mori

"The report of the National Commission on Truth and Reconciliation made the following finding in connection with this case:

'On 5 October 1973, Fernando de la Cruz Olivares Mori, aged 27, administrative clerk, was arrested by military personnel at his place of work, the Latin American Centre for Demography (CELADE), a body subordinate to the United Nations. According to witnesses, he was taken to the Ministry of Defence, where his relatives were told that he would be moved to the National Stadium, but his detention at the latter location was never acknowledged. Despite the numerous actions taken by his family and colleagues, no further definite information about his whereabouts was obtained.

'The Commission is convinced that the disappearance of Fernando Olivares Mori constitutes a violation of human rights, attributable to the action of agents of the State, since there is sufficient proof of his arrest and following the arrest there has been no news about his whereabouts or fate.'

Since this case has been verified by the Commission, his relatives will be eligible for the compensation provided for in the bill benefiting the relatives of victims of the most serious violations of human rights during the previous regime. Approval of the bill by Congress is pending.

As regards the procedural situation, notice of presumed misadventure was lodged at the proper time with the Sixth Criminal Court in Santiago. Legal action ended with a stay of proceedings, pending further information. Unfortunately, the Commission on Truth and Reconciliation found no further data that would warrant reopening judicial proceedings."

(b) Carmelo Luis Soria Espinoza

"The report of the Commission on Truth and Reconciliation made the following finding in connection with this case:

'On 16 July 1976, Carmelo Luis Soria Espinoza, a Spanish economist and United Nations staff member, was killed by DINA agents. He had been arrested the previous day. The following day, his car was pushed by a number of agents into the El Carmen canal, in La Pirámide district, with the keys in the ignition, the doors closed, the windows broken, without the radio and seats, apart from the driver's seat, and with a bottle of pisco in order to simulate an accident. The victim's body was also thrown into the canal and was found on 17 July one kilometre from the spot where his car was found. The Commission is convinced that Carmelo Soria was executed by agents of the State, in violation of his human rights.'

Since his case has been verified by the Commission, his relatives will also be eligible for the benefits provided for by the future law on compensation.

In addition, the Commission provided further information on this case to the courts. This information has served as a basis for the filing of a complaint - for abduction and aggravated homicide - by his daughter, Carmen Soria González-Vera, with the Third Criminal Court in Santiago."

17. In addition to the reply from the Government of Chile, the Special Rapporteur received a communication dated 16 December 1991 from the United Nations Economic Commission for Latin America and the Caribbean, the employer of Mr. Soria Espinoza, which was transmitted to the Under-Secretary-General for Human Rights by the United Nations Legal Counsel on 30 December 1991. In order to do justice to both parties, the Special Rapporteur deems it necessary to quote some relevant paragraphs from that communication:

"The National Commission on Truth and Reconciliation (Comisión Nacional de Verdad y Reconciliación) named by President Aylwin to investigate the most serious cases of violations of human rights during past years, received testimony from witnesses during a period of several months and in February 1991, published its report. This document, popularly known as the 'Informe Rettig', after its President,

Raúl Rettig, deals with the death of Carmelo Soria. It states that on 15 July 1976, Mr. Soria was detained by agents of the National Intelligence Agency (DINA) on his way home from the office. The following day his body was discovered near his car in a canal called El Carmen in Santiago. His death was brought about by agents of the DINA who then precipitated his car over the embankment to make the death appear accidental. The pertinent excerpt from the Rettig report is attached.

"In June of 1991, Carmen Soria González-Vera, daughter of the deceased staff member, visited the Executive Secretary ECLAC to inform him that she was petitioning the Chilean courts to have the case reopened and that on the basis of the above-mentioned report, she was 'pressing criminal charges against those persons who may be found to be responsible'. The Executive Secretary expressed his great interest in having the circumstances of Carmelo Soria's death clarified judicially once and for all, and offered his support to Ms. Soria in her endeavours.

"At Ms. Soria's request, ... the Executive Secretary of ECLAC wrote to the Judge of the Santiago Criminal Court seized with the case, through the Foreign Ministry of Chile. The Executive Secretary referred to the numerous efforts made by the United Nations over the years to clarify the circumstances of Soria's death and stated his support for the petition to reopen the case. He also offered the Organization's willingness to collaborate with the Chilean judiciary in this regard.

"...

"In December 1991, following meetings with Ms. Soria and her lawyer, Alfonso Insunza, it was decided that she would petititon the judiciary to name a 'Ministro en visita' from the Court of Appeal. In Chilean legal practice, this involves the designation of a judge whose exclusive responsibility becomes the case under consideration. The case is thus granted priority action for judicial resolution."

18. The Special Rapporteur has unfortunately not been informed about the outcome of the reopening of the case.

19. Concerning the case of Ms. Viviana Micucci, a staff member of the World Health Organization, in a communication dated 4 September 1991 in reply to the Special Rapporteur's note verbale of 30 April 1991, the Government of Argentina forwarded a copy of the report of her disappearance filed by her parents in 1976, along with a copy of the decision to deny habeus corpus, dated 15 August 1977.

20. The Government of Israel submitted on 22 October 1991, through its Permanent Mission at Geneva, a letter dated 8 August 1991 containing its reply to the previous note verbale dated 30 April 1991 sent by the Special Rapporteur. The Israeli Government commented on the list of staff members of the United Nations Relief and Works Agency for Palestine Refugees in the Near East detained by the Israeli authorities in the "administered areas". The letter stated:

"After having reviewed the list, it is evident that the circumstances of the detention of the detainees are similar, and applicable to virtually all those names included therein. For instance, Messrs. Ahmad Ahmad Ali, Faqih Mohd, Ali Abdullah, Naklieh Yaish Ibr., A. Qader and Hushiya Salah Moh. Salem were all detained after having actively planned, organized and participated in acts of violence and incitement directed against both civilians and administration officials, both Arabs and Israelis.

"It might be added that as of the date of this letter, 25 of the names on the list are no longer in detention, including Messrs. Ahmad Ahmad Ali who was released on 13 May 1991, and Hushiya Salah Moh. Salem, who was released on 14 March 1991.

"Clearly, Israel cannot accept the assumption reflected in your letter that the list transmitted by the 'Association for the Security and Independence of International Civil Servants' contains the names of staff members 'whose basic human rights allegedly have been violated...'

"The people concerned were duly detained, pursuant to the application of the law in force in the areas, as a result of involvement in the above-noted illegal activities.

"The mere fact that one is a United Nations staff member is not, in itself, sufficient to provide immunity from the due application of the law in force, especially when the acts complained of involve disruption of public order, violence and terror.

"In this context, Article 100(1) of the United Nations Charter requires, inter alia, that United Nations staff members refrain from any action which might reflect on their position as international officials responsible only to the Organization. Accordingly, acts of incitement to violence as well as the planning and carrying out acts of terror, murder and sabotage and other actions against public order and safety most certainly prejudice a person's status as a United Nations staff member, and, of course, cause considerable harm to the United Nations itself.

"The Israeli authorities extend considerable efforts to caution local residents of the areas employed by UNRWA, to avoid activities involving violation of law and public order. In several cases, the authorities have requested UNRWA to reconsider its practice of employing staff who have in the past, been involved, sometimes repeatedly, in such activities; however such requests have not been heeded.

"It is the practice of the Israeli authorities to promptly inform the directors of UNRWA offices in the administered areas, upon their request, as to the circumstances of the detention of UNRWA staff, as well as details of trials and judgements. Trials in the military courts in the areas are as a general rule open to the public and thus there exists no impediment to the presence at such trials of representatives of the United Nations.

"Those persons detained by the Israeli authorities are granted all requisite conditions during their detention, including constant medical supervision and ongoing treatment, as necessary the right to be visited by family and attorneys and other such privileges, including the right to appeal their detention to an appeals board and to have their case reviewed by the Supreme Court of Israel sitting as a High Court of Justice. Facilities are provided for private meetings with attorneys, as well as for transferring documentation.

"While contact with family and attorney is permitted, the laws and regulations in force in the areas do not make specific allowance for contact by detainees' employers. However, as the local UNRWA staff is aware, such contact may be permitted within the framework of the ongoing working relationship between them and the responsible Israeli authorities."

21. In this connection, the Special Rapporteur would like to draw the Sub-Commission's attention to a statement made on 6 November 1991 by the Israeli representative to the Fifth Committee of the General Assembly in which he reiterated these arguments in extenso.

22. In a further and related development, the United Nations Relief and Works Agency for Palestine Refugees in the Near East stated its views in a letter to the Special Rapporteur dated 20 March 1992. The letter referred, inter alia, to the statement in the Israeli letter that "twenty-five of the names on the list were no longer in detention". The Agency commented that since that date a further 38 staff members in the occupied territory had been detained, of whom 22 remained in detention. It added that a total of 48 Agency staff members in the West Bank and Gaza Strip were currently in detention. The Agency continued to experience difficulties and sometimes lengthy delays in visiting its staff members in detention. General concern for those staff members was also expressed in a letter by the Acting Director of the Agency's operations in the West Bank to the Director of Liaison with International Organizations of the Israeli Foreign Ministry.

23. The Syrian Arab Republic in a letter dated 2 December 1991 in reply to the note verbale dated 30 April 1991 sent by the Special Rapporteur, stated that 11 of the staff members mentioned in the list sent to the Government had been neither arrested nor detained and that they all were exercising normal activities. However, two persons (names given) had been detained and sentenced on criminal charges: membership in a terrorist group and participation in assassinations and bombings in Syria; six names on the list were unknown to the Syrian Government.

24. The Government of Pakistan, in a letter dated 27 December 1991, communicated to the Special Rapporteur that it was making every effort to locate Mr. Fatah Abdul Wadood, a staff member working for the World Food Programme, who had allegedly been abducted. The World Food Programme informed the Special Rapporteur on 23 March 1992 that it had not yet received any information from the Pakistani authorities on the disappearance of Mr. Wadood.

25. The Government of China replied on 16 January 1992 to the request for information on Mr. Jiang Yue, a staff member of the International Atomic Energy Agency, who had been prevented since 1989 from leaving his country to resume work. The reply stated:

> "Jiang Yue, an employee of the China Nuclear Information Centre, went to work at the International Atomic Energy Agency in February 1988 and returned home in June 1989. At present Jiang is working normally at the China Nuclear Information Centre and enjoys all the rights and freedoms encompassed within the Chinese Constitution, law and regulations."

In the meantime, the International Atomic Energy Agency has decided not to renew the contract of Mr. Jiang Yue which expired on 26 February 1992. Mr. Jiang Yue has appealed this decision.

26. The Government of Sudan replied on two occasions on the causes of the death of Mr. Frazer Fedit Aryamba, a local staff member of the World Food Programme. In its first communication, dated 3 January 1992, the Government reported:

> "Mr. Aryamba was seconded to the World Food Programme when the plane he was taking was shot down in 1989 near the town of Awil in southern Sudan. The plane which was owned and operated by the humanitarian organization Médecins sans Frontières was shot by the S.P.L.A. rebel movement which is fighting against the Government of Sudan since 1983."

In a second reply, dated 5 February 1992, the Government added:

> "It is evident, therefore, that in the light of the information stated above, that the Government of the Republic of the Sudan was in no way connected with the incident that led to the death of the above-mentioned Sudanese national. On the contrary, it regretted the incident and condemned it outrightly in the strongest terms."

III. FINAL CONCLUSIONS AND RECOMMENDATIONS

A. General considerations and comments

27. At the end of her mandate, the Special Rapporteur wishes to point out that the submission of a final report by no means implies an adequate solution to the problem in question and the termination of the case.

28. As in so many areas of the human rights programme, fruitful cooperation with Governments has contributed to the elucidation of some individual cases and the Special Rapporteur would like to take the opportunity to thank Governments for their ready cooperation.

29. The Special Rapporteur would also like to pay tribute to the work of staff associations and, in particular, of the Association for the Security and Independence of International Civil Servants. The associations' efforts and determination have contributed to resolving some cases.

30. The Special Rapporteur has noted that over the past few years the issue of violations of the human rights of United Nations staff members and their families has drawn increasing international attention.

31. She notes that ad hoc measures have been taken by the Administrations of various organizations in the United Nations system to rehabilitate and reintegrate some staff members whose rights had been violated.

32. The Special Rapporteur notes that, following the landmark decision of the United Nations Administrative Tribunal, No. 482 of 25 May 1990, on secondment (see E/CN.4/Sub.2/1990/30, para. 79), confidence in the principle of the independence of international civil servants has gradually been restored and Articles 100 and 105 of the Charter reaffirmed.

B. Recommendations

33. The Special Rapporteur firmly believes that a more open information campaign is one effective means to combat this abhorrent practice which runs counter not only to the lofty principles contained in the Charter of the United Nations and the subsequently concluded relevant agreements between States and organizations, but also brings international cooperation into jeopardy.

1. Information

34. The Special Rapporteur endorses the recommendation by FAO that regularly updated information concerning the situation of the various regional and universal human rights instruments should be communicated to the various organizations: this would enable them, when taking action to ensure the protection of their personnel, to invoke the relevant provisions. In order to facilitate their implementation, the Special Rapporteur recommends that the appropriate excerpts from these instruments should be appended to the Security Handbook - and to the corresponding texts used by the specialized agencies, together with a list of ratifications and simple instructions concerning implementation of the relevant provisions.

35. The Special Rapporteur strongly recommends the immediate establishment of a better coordinated and more detailed system of information on cases of infringements of the human rights of staff members of the international organizations and their families. This system must be placed under the responsibility of the United Nations Security Coordinator. The specialized agencies and other organizations should be reminded that they are required to inform the Secretary-General without delay, in order that he may have precise, comprehensive and authoritative information on the various cases.

36. The information system should contain factual information on each case which may be consulted by any interested person or association, together with information on the handling of the situation, available only to authorized persons and intended to constitute a database for the handling of similar cases and the definition of more appropriate guidelines.

37. The Special Rapporteur notes that a list of detained staff members is contained in the annex to the annual report of the Secretary-General to the General Assembly. 1/ Reports of detained staff members should contain the following information:

(a) The name and nationality of the person arrested or detained, his or her employment status with, and official function for, the United Nations; for family members the family relationship must be given;

(b) The time, place and other circumstances of the arrest or detention;

(c) The legal expression or term used by the applicable local law to describe the arrest or detention;

(d) The legal grounds for the arrest or detention, including any charges against the person concerned;

(e) The name of the governmental agency, such as a court or an administrative authority, under whose authority the measure was taken;

(f) Whether a representative of the United Nations has been or will be given access to the person arrested or detained; in the affirmative, any request or other reaction from the person concerned shall also be conveyed;

(g) Whether consular protection and/or legal counsel is or will be available to the person arrested or detained; in the affirmative, the identity of these services shall be conveyed.

38. In addition to these elements, the Special Rapporteur would suggest that information be included on the health of the person or persons under detention and on any specific measures which should be taken in that regard.

2. Action to be taken in case of grave violation of human rights

39. In cases where staff members are held in their country of origin against their will or are arrested without the Secretary-General or Director-General of the organization in question having an assurance that the arrest was not motivated by the action of the person concerned as a staff member, the Special Rapporteur recommends that the Secretary-General or Director-General should freeze recruitment of nationals of the country concerned until such time as the situation is satisfactorily resolved.

1/ See, for example, A/C.5/46/4, annex I.

40. The Special Rapporteur draws attention to paragraph 117 of the United Nations Security Handbook, under which, if the arrest or detention of a staff member of a United Nations agency constitutes a manifest violation of privileges and immunities and if the organization employing the staff member has not been able to fulfil its obligations towards him, the Secretary-General requests the heads of secretariat of the organizations executing programmes in the country in question to suspend all their activities with the exception of those of a purely humanitarian nature and to cancel further missions until the problem is resolved. She recommends that the Secretary-General should consider, with the executive heads of the specialized agencies, means of implementing this measure.

41. The Special Rapporteur draws attention to the proposal submitted by the United Nations Development Programme that member States should firmly undertake to ensure that the authorized official of an organization or a representative designated by him should be able to visit an arrested staff member within 24 hours of his arrest, and that the Government should officially explain the reasons for the arrest and notify the place of detention of the person concerned within 48 hours. Changes in places of detention should also be notified within the same time-limit.

42. The Special Rapporteur strongly recommends the establishment of independent boards of enquiry to investigate the killings of United Nations officials as recommended by the Task Force on the Independence and Security of the International Civil Service and strongly supported by the Coordinating Committee for Independent Staff Unions and Associations (CCISUA) and the Federation of International Civil Service Associations (FICSA). In addition, names of all staff members who have disappeared or have been killed should be maintained on the list presented by the Secretary-General to the General Assembly.

3. Compensation

43. It is unjust that damage suffered in the performance of the activities and programmes undertaken by the United Nations or specialized agencies and caused by States following the arrest or detention of staff members should be borne by the international community as a whole. The Special Rapporteur recommends that the Secretariat should consider ways and means of implementing the principles established by the International Court of Justice in its advisory opinion of 11 April 1949 on compensation for damage suffered in the service of the United Nations, with a view to compensating damage suffered by the organization and by the staff member or his rightful claimants, and submit a report on this matter to the competent bodies.

4. Rehabilitation and preservation of statutory rights

44. The Special Rapporteur acknowledges that when a United Nations official has been set free, although his or her physical ordeal may have ended there remain very many invisible obstacles to the full rehabilitation and reintegration of the staff member. The Special Rapporteur, conscious of the fact that ad hoc measures do not satisfactorily resolve these problems, recommends that the United Nations Security Handbook, the Staff Rules and any other appropriate document of similar juridical value be amended to include

adequate provisions to cover rehabilitation and indemnification of staff members and their families in case of illness, invalidity or death attributable to arrest, detention or abduction. Staff members should be fully maintained in their statutory rights from the day they are prevented from accomplishing their functions because of detention or imprisonment.

5. Security while on mission

45. The Special Rapporteur is aware that several peace-keeping operations are currently under way in various parts of the world. In view of the increasing risk of violations of human rights of United Nations staff members called upon to serve in conflict areas all over the world, the Special Rapporteur expresses the hope that every precaution necessary to ensure staff members' security has been taken.

46. The Special Rapporteur welcomes the decisions, taken by the Staff Management Coordinating Committee (SMCC) at its last session held from 15 to 19 June 1992, to take the necessary steps to enhance security measures within the United Nations Secretariat.

47. While recognizing the need to provide continuing political, humanitarian and emergency assistance to populations at risk, the Special Rapporteur considers that it is absolutely essential that staff involved in these missions be properly informed and suitably trained so as to ensure their security and effectiveness in accomplishing their functions. The Special Rapporteur therefore recommends that training modules be developed for designated officials, area coordinators and staff at large on security issues such as early warning, precautionary measures and how to react in certain situations.

6. Follow-up

48. The Special Rapporteur supports the efforts made by the Working Group on the Methods of Work of the Sub-Commission. She realizes that one of the key questions in this regard relates to the follow-up of final reports. The mandate of the Special Rapporteur expires this year, but an issue so closely connected with the very functioning of the United Nations system should not be abandoned.

49. In that connection, the Special Rapporteur wishes to express her concern that the report of the Secretary-General on the Respect for the Privileges and Immunities of Officials of the United Nations and the Specialized Agencies and Related Organizations will henceforth be examined only on a biennial basis. The list (see para. 37 above) prepared by the Secretary-General containing the names of United Nations officials whose basic rights had not been observed by Governments has over the years become a key reference for all those interested in this issue. It is her conviction that examination of this report on a biennail basis will be detrimental to the fate of staff members working under hardship conditions. The Special Rapporteur suggests that the Commission on Human Rights examine the human rights situation of United Nations and specialized agency staff members and their families as well as the measures taken or contemplated to protect their basic rights.

50. The Special Rapporteur endorses the recommendations, contained in the report of the Inter-Agency Meeting on Security Matters (Geneva, 12-15 May 1992) to the Administrative Committee on Coordination. She welcomes the timely convening of this meeting and recommends that similar meetings be held on a regular basis so as to ensure that matters related to the security and independence of staff members are given the highest priority and attention.

51. Finally, she expresses the hope that whatever follow-up will be chosen, the adequate functioning of the United Nations should be taken into consideration; however, to achieve such a goal it is indispensable that the staff members can fulfil the task entrusted to them without interference and in conditions of security.

Annex

List of staff members, victims of violations of human rights, and of their professional status as of 24 June 1992, submitted by the Association for the Security and Independence of International Civil Servants

No.	SURNAME/NOM	FIRST NAMES/PRENOM(S)	INSTIT	SITUATION	AS FROM	SOURCES
		AFGHANISTAN				
001	MIR	Daulat	FAO	CONSCRIP. 3	84-08-28	BGSTU
002	HAIRAN	Salleem	FAO	CONSCRIP. 3	88-01-27	BHSTU
003	OMAR	Mohammed	FAO	CONSCRIP. 3	89-05-17	BSTU
		ARGENTINA				
004	MICUCCI	Viviana (Miss)	WHO	MISSING	76-11-11	S
		CHINA				
005	JIANG	Yue	IAEA	RETAINED	89-09-02	STU
		ETHIOPIA				
006	BELAY	Melake	ECA	MISSING 4	78-10-15	S
007	BERAKI	Roshan (Mrs.)	UNICEF	DETAINED	91-08-17	STp. 4
		ISRAELI AUTHORITIES IN GAZA STRIP/AUTOR. ISRAELIENNES DANS LA BANDE DE GAZA				
008	ABU DAHER	Mithqal Mahmoud	UNRWA	DETAINED	92-03-24	C
009	ABU GHALI	Adel Ali	UNRWA	DETAINED	90-08-25	CST
010	ABU REZEQ	Jaber Zayed	UNRWA	DETAINED	91-11-13	C
011	ABU SHANAB	Ismail Hasan	UNRWA	DETAINED	89-05-30	CBST
012	ABU SHAWAREB	Abdalla Ismail	UNRWA	DETAINED	90-11-06	CT
013	AL SHEIKH ID	Khaled Mohammad	UNRWA	DETAINED	91-11-12	C
014	AWWAD	Nawwaf Jamil	UNRWA	DETAINED	89-08-08	CST
015	EL AJRAMI	Husni Mohammad	UNRWA	DETAINED	92-01-16	C
016	EL ARABID	Ghassan Musaed	UNRWA	DETAINED	91-08-11	C
017	EL ATAWNEH	Mohammad Zaki	UNRWA	DETAINED	91-06-03	C
018	EL DAWAHIDI	Mahdi Musa	UNRWA	DETAINED	91-01-10	CT
019	EL JUB	Nafez Suleiman	UNRWA	DETAINED	91-01-14	CT
020	EL MUDALLAL	Dawoud Sulaiman	UNRWA	DETAINED	89-08-02	CST
021	KHADDOURA	Ayyoub Aziz	UNRWA	DETAINED	92-02-18	C

No.	SURNAME/NOM	FIRST NAMES/PRENOM(S)	INSTIT	SITUATION	AS FROM	SOURCES
022	LUBBAD	Hasan Mahmoud	UNRWA	DETAINED	91-12-06	C
023	LULU	Ibrahim Sadi	UNRWA	DETAINED	90-09-20	CT
024	MANSOUR	Hassan Ahmad	UNRWA	DETAINED	92-02-11	C
025	MATAR	Khaled A/Rahman	UNRWA	DETAINED	89-11-21	C
	ISRAELI AUTHORITIES IN WEST BANK/AUTORITES ISRAELIENNES EN CISJORDANIE					
026	ABU SHALBAK	Amin Ahmad Abdul.	UNRWA	DETAINED	92-01-01	C
027	AL BAYED	Mohammad Khalil Y.	UNRWA	DETAINED	91-08-09	C
028	BEYDOUN	Hani Ali Mohammad	UNRWA	DETAINED	90-03-20	CST
029	HUDEIB	Marwan Ismail	UNRWA	DETAINED	88-12-21	CBST
030	JABER	Sufiyan Saed Eddin	UNRWA	DETAINED	91-08-09	C
031	JAWABREH	Khader Mahmoud	UNRWA	DETAINED	90-12-26	CT
032	MASRI	Husni Moham. Husein	UNRWA	DETAINED	92-02-22	C
033	NAKLIEH	Yaish Ibr. A/Qader	UNRWA	DETAINED	90-10-31	CT
034	OMAR	Mohammad Ali Huss.	UNRWA	DETAINED	90-09-11	CT
035	QATAMI	Imad Saed Eddin	UNRWA	DETAINED	90-07-04	CST
036	RIHAN	Salameh Salim	UNRWA	DETAINED	90-06-01	CST
037	SALEM	Kamal Abdul Rah.	UNRWA	DETAINED	91-03-14	CT
038	SHABAN	Yousef Ismail	UNRWA	DETAINED	88-08-08	CBST
039	TOUMALIEH	Mohammad Ibrahim	UNRWA	DETAINED	91-05-27	CT
040	YACOUB	Basima Farouq Odeh	UNRWA	DETAINED	90-05-09	CST
041	ZEID	Tayseer Mustafa A.	UNRWA	DETAINED	90-12-18	CT
	JORDAN/JORDANIE					
042	ABU EL HAIJA	Hussein	UNRWA	DETAINED	92-01-20	C
	LEBANON (militias or unknown elements)/LIBAN (milices, élém. non identifiés)					
043	AHMAD	Mahmoud Husein	UNRWA	DETAINED	83-03-22	CBST
044	ALI EL HAJ	Mohammad Mustafa	UNRWA	DETAINED	86-11-28	CBST
045	COLLETT	Alec	UNRWA	DETAINED 9	85-03-25	CBST
046	SABAH	Mohammad Ali	UNRWA	DETAINED	83-03-22	CBST
	MAURITANIA					
047	SAGNA	Moussa	UNDP	EXPELLED	89-07-08	PS
048	DIALLO	Abdoul	UNDP	EXPELLED	89-05-18	PS
049	DIALLO	Afton Ba	UNDP	EXPELLED	89-05-22	PS
050	BA	Yassin (Mrs.)	FAO	EXPELLED	89-00-00	RS
051	NIANG	Demba	FAO	EXPELLED	89-05-02	RS
052	POUYE	Ndiome	FAO	EXPELLED	89-05-02	RS

No.	SURNAME/NOM	FIRST NAMES/PRENOM(S)	INSTIT	SITUATION	AS FROM	SOURCES
053	DIAW	Abdoulaye	FAO	EXPELLED	89-05-24	RS
054	DIENG	Amadou	FAO	EXPELLED	89-06-06	RS
055	BA	Mouhamedou	FAO	EXPELLED	89-06-12	RS
		PAKISTAN				
056	ABDUL FATTAH	Wadood	WFP	ABDUCTED	89-09-03	DSTU
		SOMALIA				
057	ABDEL-RAHMAN	K.	UNHCR	ATTACKED	90-05-30	S
058	ALI	Ahmed Mohamed	WFP	DETAINED	90-05-24	STU
059	LEONENKO	Eugene	UNICEF	ATTACKED	92-01-05	W
		SYRIAN ARAB REPUBLIC/REPUBLIQUE ARABE SYRIENNE				
060	ABU KHREISH	Izzedine Hussein	UNRWA	DETAINED	80-09-11	CBST
061	HAYATLI	Abdalah Daker	UNRWA	DETAINED	80-04-20	CBST
		UGANDA				
062	NAKIRU	Lily (Ms)	WFP	ATTACKED	90-03-15	SU

(B List - Officials assassinated, executed or killed since 1973)
(Liste B - Fonctionnaires assassinés, exécutés ou tués depuis 1973)
(according to information available to the Association)
(selon les renseignements don dispose l'Association)

No.	SURNAME/NOM	FIRST NAMES/PRENOM(S)	INSTIT	SITUATION	AS FROM	SOURCES
001	OLIVARES-MORI	Fernando	ECLAC	CHILE KIL	73-10-06	S
002	SORIA-ESPINOSA	Carmelo	ECLAC	CHILE KIL	76-07-14	S
003	KAMKAI	Bismillah	UNDP	AFGHA EXE 5	79-05-05	JPS
004	SCHULTZ	Konrad	UNIDO	GUATE KIL	82-05-00	S
005	EVNER	Ergun	UN	(OTH) KIL 7	84-11-19	S
006	BREIR	Nabila (Mrs.)	UNICEF	LEBUN KIL	86-12-18	ES
007	SHAH	Tawakal	UNICEF	AFGHA DEC 5	87-05-00	FNS
008	JAWAD	Abid	UNIFIL	LEBUN KIL	87-05-21	S
009	DARNISH	Jebreal Ibrahim	UNIFIL	LEBUN KIL	87-05-26	S
010	ZEIDAN	Sa'adi Mohammad	UNRWA	SYRIA DEC 6	87-07-07	MS
011	HIGGINS	W.R. (Lieut.-Col.)	UNTSO	LEBUN EXE	88-02-17	BST
012	YASSIN	Zeidan Suleiman	UNRWA	LEBSY DEC 5	88-12-17	BS
013	NYIRENDA	Abel	FAO	ZAMBI DEC 8	89-04-29	RSTU
014	HLASS	Gena (Mrs.)	UNICEF	LEBUN KIL	89-12-07	ES
015	ARYAMBA	Frazer Fedit	WFP	SUDAN KIL 2	89-12-21	DSU
016	ARIKWANG	Angello	WFP	UGAND KIL	90-03-15	SU
017	KAZMUZ	Yasir	UNRWA	ISRWB KIL	90-03-28	K
018	DHAGAN	Issak Darod	UNHCR	SOMAL KIL	90-12-00	AS
019	ABRAR FARAH	Addn Harun	UNHCR	SOMAL KIL	90-12-08	AS
020	OMAR	Abdillahi Sheikh	UNHCR	SOMAL KIL	91-07-02	LS
021	PUMPALOVA	Marta (Mrs. Dr)	UNICEF	SOMAL KIL	92-01-05	W
022	MUHE	Tekuye	UNHCR	ETHIO KIL	92-03-11	L
023	GARAD	Abdi Maalim	UN	SOMAL KIL	92-03-24	X
024	MUTACA	Lourenço	UNHCR	ETHIO KIL	92-03-31	L
025	LIBHAISI	Abdel Moati	UNRWA	ISRGZ KIL	92-05-11	Y
026	KASASHIMA	Kimio	WFP	PAKIS KIL	92-06-14	Z

Sources/Références

A = UNHCR Staff Council Views	12 Dec. 1990	
B = A/C.5/44/11	2 Nov. 1989	
C = UNRWA List of detained staff (no trial)	12 May 1992	
D = WFP/PAM communication	30 Jan. 1991	
E = E/ICEF/1990/CRP 31	27 Apr. 1990	
F = A/C.5/43/27	31 Oct. 1988	
G = A/C.5/40/25	25 Oct. 1985	
H = A/C.5/43/18	7 Nov. 1988	
J = A/C.5/42/37	10 Nov. 1987	
K = Herald Tribune (NYT, Reuters)	29 Mar. 1990	
L = UNHCR communications	3 Jul. 1991	and 1 Apr. 1992
M = A/C.5/42/14	19 Oct. 1987	
N = UNICEF communication	25 Jun. 1990	
P = UNDP communications	10 Jul. 1990	and 6 Dec. 1990
R = FAO communication	20 Jul. 1990	
S = A/C.5/46/21 (Views of Staff Represent.)	23 Oct. 1991	
T = A/C.5/46/4(Report of Secretary-General)	1 Oct. 1991	
U = E/CN.4/1991/18 (Report on 47th HRC)	14 Feb. 1991	
W = UNICEF Press release (IRM/0341I)	5 Jan. 1992	
X = AFP-VK09 241612 GMT/EUA0325 4 I 0243	24 Mar. 1992	
Y = Tribune de Genève	12 May 1992	
Z = Communication agence AP (EFs0253-VO230)	15 Jun. 1992	

Notes

1/ Imprisoned following closed trial. The United Nations was denied access to the staff member even at the time of sentencing.
Emprisonné à l'issue d'un procès à huis clos. L'accès de l'ONU au fonctionnaire a été refusé, même lors du prononcé du jugement.

2/ Further clarification needed from the Organization.
Renseignements supplémentaires à recevoir de l'Organisation.

3/ Staff members having been "released" from jail but forcibly conscripted into the government army. They never resumed their duties.
Membres du personnel "libérés" de prison mais enrôlés de force dans l'armée gouvernementale. N'on jamais repris leurs fonctions.

4/ Believed dead.
Présumé mort.

5/ Died in prison.
Mort en prison.

6/ UNRWA was informally advised that Mr. S.M. Zeidan passed away while in detention and after two operations had been performed on him in a government hospital.

L'UNRWA a été informé officieusement que M. S.M. Zeidan était décédé en prison, après avoir subi deux opérations dans un hôpital d'Etat.

7/ Mr. Evner was assassinated in Vienna by unknown persons.

M. Evner a été assassiné à Vienne par des inconnus.

8/ Deceased as a consequence of ill treatment inflicted on him by the police.

Décédé des suites de mauvais traitements à lui infligés par la police.

9/ Mr. Collett might be "still alive" (U.S. News and World Report, 19/8/1991).

M. Collett pourrait être "encore vivant" selon l'article susmentionné.